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**TELECOPY COVER SHEET**

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**Date:** November 4, 2003

**TO:** **Name:** Dianiece Jacobs  
**Company:** United States Patent and Trademark Office  
**Address:**  
**Telephone:**  
**Fax:** 703.308.4242

**FROM:** **Sender:** Michael J. Nesler for Duncan A. Greenhalgh  
**Number of Pages INCLUDING This Cover Sheet:** 22  
**Client:** RIB-001CP (7995/3)

**Comments:** Application Serial No. 09/922,251

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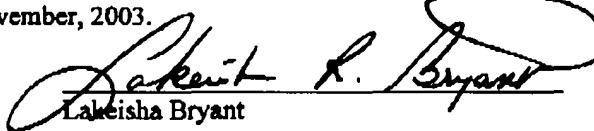
PATENT  
Attorney Docket No. R13-001CP  
(7993/3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Steitz *et al.*  
SERIAL NO.: 09/922,251 GROUP NO.: 1631  
FILING DATE: August 3, 2001 EXAMINER: Channing Mahatan  
TITLE: Ribosome Structure and Protein Synthesis Inhibitors

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence, and any document(s) referred to as attached hereto, is/are being transmitted to the United States Patent and Trademark Office, Facsimile No. (703) 308-4242 on this 4th day of November, 2003.

  
Lakeisha Bryant

Attached hereto is/are:

- (i) Transmittal Form (1 pg.)
- (ii) Copy of Notice of Non-Compliant Amendment (2 pgs.)
- (iii) Response to Notice of Non-Compliant Amendment (2 pgs.)
- (iv) Amendment and Response (15 pgs.)

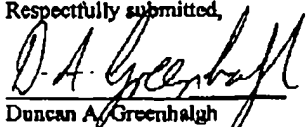
2706050

<h2 style="margin: 0;">TRANSMITTAL FORM</h2>	Application Serial Number	09/922,251
	Filing Date	August 3, 2001
	First Named Inventor	Steitz
	Group Art Unit	1631
	Examiner Name	C. Mahatan
	Attorney Docket No.	RIB-001CP
	Patent No.	Not applicable
	Issue Date	Not applicable

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]  <input type="checkbox"/> Petition for Extension of Time  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application  <input type="checkbox"/> Formal Drawing(s)  <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal  <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> CD(s) for large table or computer program  <input type="checkbox"/> Amendment After Allowance  <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences  <input type="checkbox"/> Appeal Brief (in triplicate)  <input type="checkbox"/> Status Inquiry  <input type="checkbox"/> Return Receipt Postcard  <input type="checkbox"/> Certificate of Hand Delivery  <input checked="" type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8  <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) (i) Copy of Notice of Non-Compliant Amendment (ii) Response to Notice of Non-Compliant Amendment

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100	<div style="display: flex; justify-content: space-between;"> <div>           Date: November 4, 2003            Reg. No. 38,678            Tel. No.: (617) 248-7317            Fax No.: (617) 248-7100         </div> <div style="text-align: right;">           Respectfully submitted,              Duncan A. Greenhalgh            Attorney for Applicants            Testa, Hurwitz &amp; Thibault, LLP            High Street Tower            125 High Street            Boston, MA 02110         </div> </div>

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PATENT  
Attorney Docket No. RIB-001CP  
(7995/3)

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CENTRAL EXAMINER

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Steitz *et al.*  
SERIAL NO.: 09/922,251 GROUP NO.: 1631  
FILING DATE: August 3, 2003 EXAMINER: Channing Mahatan  
TITLE: Ribosome Structure and Protein Synthesis Inhibitors

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

***RESPONSE TO NOTICE OF  
NON-COMPLIANT AMENDMENT***

Sir:

Responsive to a Notice of Non-Compliant Amendment mailed from the U.S. Patent and Trademark Office on October 31, 2003 (copy attached), Applicants submit the attached corrected Amendment and Response, which includes a complete listing of all the claims with proper status identifiers. Specifically, the Amendment and Response has been modified to indicate that claims 1-75 and 106-112 have been cancelled. Applicants request that this paper supercede the Amendment and Response filed October 1, 2003.

Applicants believe that no extension of time is necessitated by this submission. If this is incorrect, please consider this paper to include the requisite petition and charge the requisite extension fee to Deposit Account number 20-0531. Applicants request that this paper be made of record and considered by the Examiner.

Early favorable action is respectfully requested. The Office is invited to call the undersigned with any questions about this paper.

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Response to Notice of Non-Compliant Amendment  
U.S. Serial No. 09/922,251  
Page 2 of 2

Date: November 4, 2003  
Reg. No. 38,678

Tel. No.: (617) 248-7317  
Fax No.: (617) 248-7100

2706031

Respectfully submitted,



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Duncan A. Greenhalgh  
Attorney for Applicants  
Testa, Hurwitz, & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1490  
 Alexandria, Virginia 22311-1490  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,251	08/03/2001	Thomas A. Steltz	044574-5070-1	2247

7590 10/31/2003

Testa, Hurwitz & Thibault, LLP  
 Patent Administrator  
 125 High Street  
 High Street Tower  
 Boston, MA 02110

EXAMINER

MAHATAN, CHANNING

ART UNIT

PAPER NUMBER

1631

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Paper No

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11-1-03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

[Signature]  
Legal Instruments Examiner (LIE)

703-305-3388  
Telephone No.